

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MELANIE DAVIS,

Plaintiff,

vs.

IHOP PROPERTY LLC,

Defendant.

**8:18CV572**

**ORDER TO SHOW CAUSE**

[Federal Rule of Civil Procedure 4\(m\)](#) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” [Fed. R. Civ. P. 4\(m\)](#).

Plaintiff filed the Complaint on December 10, 2018. ([Filing No. 1](#)). More than 90 days has elapsed since the Complaint was filed. To date, Plaintiff has not filed any return of service indicating service on the defendant, a waiver of service has not been filed, and the defendant has not entered a voluntary appearance. Accordingly,

**IT IS ORDERED** that Plaintiff shall have until **April 12, 2019**, to show cause why this case should not be dismissed pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) or for want of prosecution. The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 25<sup>th</sup> day of March, 2019.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge